

DEMOCRACY DIALOGUE



Technical Notes From USAID's Global Center for Democracy and Governance • June 1999

USG Efforts

Vice President Al Gore hosted the Global Forum on Fighting Corruption February 24-26, 1999. Over 500 participants from nearly 90 countries attended, including more than 40 representatives with ministerial rank or higher. The conference raised international attention to all aspects of corruption and launched a U.S. international initiative against corruption, which will promote mutual evaluation of anti-corruption measures and the use of diagnostic and prescriptive tools to fight corruption.

USAID's Role

USAID has a long history of working with governments and civil society to improve governance. It has helped governments enhance the effectiveness of checks and balances, reduce opportunities for corruption, and realign incentives for better performance. Since 1997, an intra-agency working group has coordinated this work across USAID's sectoral and regional bureaus.

The Center for Democracy and Governance has worked to advance programming in anti-corruption and to exchange information with other donors and parts of the U.S. government. The Center published *A Handbook on Fighting Corruption* to help this effort (ordering information on p. 8).

Further details on USAID programming are found on p. 2.

Anti-Corruption Efforts Strengthened

Fighting corruption has emerged as a key development issue in the last few years. Corruption has shaken its taboo status as more and more policymakers, businesses, civil society organizations, media, and donors from all geographic regions confront the issue more openly. At the same time, the general level of understanding about corruption has risen markedly. Until recently, it was not uncommon to hear someone discuss anti-corruption strictly in law enforcement terms. By contrast, most people working in the field today acknowledge that public education and prevention are equally important. The field has also come to appreciate how critical political will is for effective reform.

A number of factors explain this global emphasis on fighting corruption. Since the end of the Cold War, donor governments have focused less on ideological grounds for foreign assistance and concentrated more on trade and development, both of which are undermined by corruption. At the same time, businesses have faced ever stiffer competition with the globalization of trade and capital markets, and have become less willing to tolerate the expense and risk associated with corruption. On the other end of the trade process, countries with high levels of corruption have found themselves less able to attract investment in a competitive global market. Over the same period, transitions to democracy have enabled citizens to use the vote and new-found civil liberties (e.g., freedom of speech, of assembly, etc.) to confront corruption, prompting leaders and opposition figures to show a stronger anti-corruption commitment.

International and national efforts are pushing the anti-corruption agenda forward in a number of diverse ways. International and regional conventions against corruption have been signed or are under discussion, as sidebars in this issue of *Democracy Dialogue* describe. The World Bank has made fighting corruption a priority, as an article by Daniel Kaufmann and Phyllis Dininio explains. The work of Transparency International (TI), a Berlin-based NGO, has fostered national coalitions against corruption, stimulating such activities as those highlighted in the article on Poder Ciudadano, TI's chapter in Argentina.

In the United States, USAID has sought to adapt its programming to these opportunities for fighting corruption, and has identified initial guidelines for work in this area, as another article lays out. In February 1999, Vice President Al Gore's Global Forum on Fighting Corruption highlighted the U.S. government's commitment to this cause. Since then, USAID has worked closely with the State Department, the Department of Treasury, and the World Bank to follow up Gore's pledge to support countries willing to use the Bank's anti-corruption surveys. More broadly, State is working to coordinate the overseas anti-corruption programs run by different U.S. government agencies with those of other donors and NGOs. As the development arm of the U.S. government, USAID has staff overseas to implement such initiatives, as well as mechanisms to support them. In particular, USAID has a current grant relationship with TI, and is in the process of awarding two contracts for on-call technical assistance in anti-corruption. □

The OECD Convention

On December 17, 1997, representatives from 29 Organization for Economic Cooperation and Development (OECD) member countries plus five observers (Argentina, Brazil, Bulgaria, Chile, and the Slovak Republic) signed the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. The convention obligates signatories to criminalize bribery of foreign public officials and to cooperate in mutual monitoring of implementation. The convention entered into force on February 15, 1999 with ratification by Bulgaria, Canada, Finland, Germany, Greece, Hungary, Iceland, Japan, Korea, Norway, the United Kingdom, and the United States.

The convention is a major victory for U.S. government efforts to reduce international corruption and level the playing field for U.S. businesses which, under the Foreign Corrupt Practices Act, are barred from giving bribes. U.S. government priorities now include securing ratification by other countries, ending tax deductibility of bribes, and ensuring an effective monitoring process.

Defining Anti-Corruption for USAID

by Phyllis Dininio, USAID

USAID's experience with anti-corruption efforts has largely concentrated on public sector corruption. In broad terms, public corruption is the abuse of public office for private gain. It arises both in political and bureaucratic office and can be petty or grand, organized or disorganized. Whereas private corruption undermines economic growth, but may not affect political development, public corruption has a destabilizing effect on both political and economic systems. Public corruption undermines the legitimacy of government by reducing accountability in policymaking, suspending the rule of law, and eroding the institutional capacity of government. It also attenuates economic development by inflating the cost of business, distorting competition, diverting public investment from its best use, and increasing budgetary pressures on government.

Although USAID core programming in economic growth and democracy and governance has long contained anti-corruption elements, it is only in the last three years that USAID has begun to tackle the issue directly. Direct responses to corruption fall into two categories: government reforms and civil society activities. Government reforms include work with the country's accountability institutions such as the office of the ombudsman, the audit office, and/or the counter-corruption commission, as well as with the judiciary to improve prosecution of corrupt acts. Government reforms also include working to reform the mandate, internal procedures, and controls of line ministries and agencies to reduce opportunities for corruption, professionalize the workforce, and improve transparency and oversight of government activities. Customs and internal revenue are two agencies often targeted for such reforms. Civil society activities, on the other hand, include promoting research, investigative journalism, monitoring, and advocacy among civil society organizations, media, and institutes. USAID's partnerships with civil society organizations (CSOs) often distinguish it from the World Bank and other donors who work primarily with governments.

USAID's initial efforts in this area have generated a few lessons to guide anti-corruption programming. Foremost we have learned that enforcement alone is an inadequate anti-corruption strategy. Case-by-case investigation and prosecution cannot serve as an effective deterrent, especially where corruption is endemic. Even if the judicial system operates fairly and efficiently, which in such contexts is rarely the case, the sheer number of corrupt transactions and the desire of perpetrators to maintain secrecy keep the probability of detection and punishment quite low. Rather, prevention and civil society engagement are critical to broaden and sustain anti-corruption efforts.

Preventive measures to reduce corruption include a range of reforms to government institutions. On the one hand, reforms can limit the authority of the state and thereby reduce opportunities for corruption through such measures as privatization, liberalization, competitive procurement procedures, and competition in the provision of public services. In Ukraine, for example, the USAID mission helped to amend a law on entrepreneurship that reduced the number of licenses required to start a business from 102 to 41 and that provided for one-stop business registration. On the other hand, reforms can fight corruption by improving the performance of the state. Professionalizing the workforce through adequate remuneration, performance-based rewards, training, and ethics codes, and improving

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transparency and oversight of government activities through financial management systems, open budgeting processes, oversight bodies, and hotlines all work to promote better governance. USAID's Bureau for Latin America and the Caribbean, for example, has promoted integrated financial management systems over the past ten years through publications, training, and technical assistance.

Civil society engagement on anti-corruption involves raising awareness about costs of corruption and mobilizing political will for reform. Past successes and failures in public sector reform have highlighted the importance of mobilizing demand for reform in tandem with providing technical assistance to government institutions. Fostering public-private partnerships to guide and sustain reform efforts is critical for lasting change. CSOs can perform important analytical, advocacy, and monitoring functions to undergird reforms that limit the discretion of government officials, professionalize the civil service, and improve oversight of government activities. USAID/Bulgaria, for example, has provided funding to a coalition of local NGOs to organize advocacy campaigns for fighting corruption; to assess corruption through focus groups, press content analysis, and opinion polling, and publish the information in a book; and to work with small and medium enterprises to identify strategies for overcoming nonfinancial barriers to doing business.

While stressing that enforcement, prevention, and civil society engagement are each important elements to a comprehensive anti-corruption strategy, USAID also maintains that no uniform approach to the problem is possible. As diagnostic surveys and assessments show, the types of corruption problems vary across and even within countries. For example, corruption in the police and judiciary may be the dominant problem in one country, whereas corrupt networks between bureaucrats and business or patterns of patronage between elected officials and their clients may be the biggest problems in others. Identifying the main problems is a necessary first step in developing anti-corruption interventions.

A second step in developing interventions is to identify targets of opportunity for USAID assistance. Reforms take hold only where there is political will to see them through; otherwise, corrupt officials can easily derail them. One USAID mission, for example, supported the installation of computers to automate customs operations and forestall corrupt transactions, but a high-level local government official derailed the program by directing his staff to turn off the computers. External pressure in the form of donor conditionality, bilateral diplomacy, or multilateral initiatives can help strengthen political will, but can also engender posturing and lip service by resistant leaders. USAID must assess real commitment to reform and selectively provide assistance to government institutions with such leadership. Assistance to CSOs to promote awareness raising and advocacy is a corollary measure that serves to build or sustain political will for anti-corruption reform.

Given the political complexities of anti-corruption initiatives, USAID has learned that allies in this work are key. To bolster programs in the field, USAID must take advantage of U.S. government foreign policy priorities, new policies of international financial institutions, international and regional conventions, an emerging reorientation of business, and new civil society organizations that fight anti-corruption. USAID/Washington can facilitate a continued exchange of information with partners to identify program synergies, duplications, and gaps, but where USAID missions undertake substantive anti-corruption programs, such coordination also needs to be carried out in the field. □

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The Council of Europe Convention

On November 4, 1998, the Council of Europe, whose membership includes Central and Eastern European countries, adopted the Criminal Law Convention on Corruption. The convention covers a wide range of criminal offenses connected with corruption, and seeks to harmonize anti-corruption legislation among the signatories and facilitate mutual criminal assistance. The convention will go into force once it is ratified by 14 countries. A permanent committee, the Group of States Against Corruption, will monitor the implementation of the convention with peer review. The U.S. government participates in the council as an observer and may sign the convention.

GCA Principles Adopted

Preceding Vice President Al Gore's conference on corruption in February 1999, the Global Coalition for Africa (GCA) and the U.S. government sponsored a gathering of ministers and senior officials from 11 African countries (Benin, Botswana, Ethiopia, Ghana, Malawi, Mali, Mozambique, Senegal, South Africa, Tanzania, and Uganda) to discuss a regional anti-corruption framework. They adopted "Principles to Combat Corruption in African Countries," which prescribes establishing budgetary and financial transparency, eliminating unnecessary government regulations, adopting and enforcing effective national laws and codes of conduct for public officials, undertaking administrative reform, and promoting transparency in public procurement. The officials agreed to seek formal adoption of the principles within the coming months, and to pursue a dialogue in sub-regional organizations and the Organization for African Unity on using the principles to form the basis of an African anti-corruption convention. Follow-up meetings of the 11 participating countries are planned.

"...[A]nti-corruption work is most effective when it involves a wide variety of partners and builds on deep domestic political commitment..."

New Frontiers in World Bank Programs

**by Daniel Kaufmann, World Bank Institute and
Phyllis Dininio, USAID**

Under the leadership of President James Wolfensohn, the World Bank (the Bank) has made fighting corruption a priority. Unprecedented for the head of an international financial institution, Wolfensohn pledged Bank resources to fight the "cancer of corruption" at the Bank/International Monetary Fund annual meetings in October 1996. Given its mission to fight poverty, the Bank's concern lies with the corrosive effect of corruption on economic development. As recognition has grown that corruption deepens the plight of the poor, the concern is in part a response to aid fatigue and shrinking budgets of donor countries. Indeed, misgovernance in many countries has negated the potential of aid to support the development process. The shift in policy also comes as a multitude of voices has promoted a more activist stance by the Bank against corruption; these include TI and former Bank president Robert McNamara, who co-directs the GCA (sidebar).

In 1997, the Bank's Executive Board approved a multi-pronged strategy to fight corruption. Upholding a policy of zero tolerance, the first component begins "at home" and focuses on instances of fraud within the organization. The Bank has pledged to pursue internal corruption cases aggressively and transparently, and to enhance ethics training for its staff. The second element of the strategy aims to prevent corruption in Bank-financed projects. To this end, the Bank is working to expand its cadre of procurement specialists, to improve the quality of staff and supervision in procurement and financial management, and to expand assessments of project-related corruption risks. The Bank has also established an oversight committee and a hotline to receive allegations of corruption occurring within and outside the organization. In the third element of the strategy, the Bank has pledged to help countries that request assistance in addressing corruption. To date, about 30 countries have asked the Bank for help, including Albania, Bolivia, Ecuador, Georgia, Latvia, Mauritius, Nicaragua, Tanzania, Uganda, and Ukraine.

Operationally, staff working in the Bank regional and country units, together with the World Bank Institute (WBI, formerly Economic Development Institute) and public sector network specialists, have organized the Bank's anti-corruption assistance to these countries. In countries requesting comprehensive assistance on an integrated national anti-corruption program, the first step is to ensure high-level political support, without which an anti-corruption effort is unlikely to succeed. After the Bank secures a commitment from the government to a transparent and participatory process, it helps to set up a steering committee comprising the top leadership as well as representatives from civil society and the private sector.

Next, Bank staff provides the methodology and technical collaboration to local partner institutions, which carry out in-depth empirical surveys of households, businesses, and public officials. These anti-corruption diagnostic surveys measure the prevalence and costs of corruption, generating information on the quality of public service delivery, the obstacles to business development, and the weaknesses and vulnerability of the public sector. Not only is this information critical for establishing reform priorities, but it helps to energize public opinion for reform and establish a baseline for program evaluation. The surveys are carefully designed to elicit experiences of corruption, using dollar values and percentages, rather than tracking opinions. An in-depth analysis then is carried out, including a

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check of the survey results against other data sources, such as cross-country data on institutional indicators.

The survey results are then utilized in national workshops to develop a consensual anti-corruption strategy. Workshops include participants from all branches of the state, political parties, civil society, professional groups, and the media. Participants analyze the data, and then working groups prepare draft action programs for each area of reform (e.g., judiciary, regulatory, civil service, customs, etc.). By the end of the workshop, the participants develop a comprehensive action plan, and commit themselves publicly to specific actions in a given timeframe. After the workshop, the Bank facilitates implementation of the action plan, often holding training workshops in anti-corruption for legislatures, judiciaries, and journalists.

More broadly, operational units in the Bank prepare programs supporting institutional reforms. Some examples of Bank-funded reform programs include procurement reform in Benin and Georgia; civil service reform in Albania, Uganda, and Yemen; tax administration reform in Latvia; judicial reform in Albania and Bolivia; and de-licensing in Georgia. This integration of anti-corruption objectives into the Bank's lending operations relates to the fourth element of the Bank's anti-corruption strategy, namely "mainstreaming" the concern for corruption in its country assistance strategies. Generally, where corruption affects Bank projects and development prospects, the country assistance strategy is now expected to address such challenges. Further, to assist in this process, the Bank carries out training courses on anti-corruption for staff at all levels.

Departing from the conventional approach to conditionality and "negotiations" between the Bank and the recipient country, a pilot program has been launched for a number of countries called the "comprehensive development framework." It calls for the Bank, other donors, and the recipient country to jointly develop an overall development strategy, including anti-corruption. This strategy is one where the country itself (government as well as other stakeholders) is in the driver's seat. One pilot country is Bolivia, where the donors contributed to the process of diagnosing the corruption problem and designing an action plan, but the government has taken the lead in implementing an ambitious program of institutional reforms (*institucionalidad*).¹ In addition to the Bank's own resources, important support for the participatory, action-oriented process comes from donor countries, including Denmark, Norway, and the United States. International NGOs such as TI and the Carter Center are also important partners in this participatory approach to fighting corruption.

The final piece of the Bank's strategy is supporting international efforts to curb corruption. This is important because anti-corruption work is most effective when it involves a wide variety of partners and builds on deep domestic political commitment, because many corruption problems are cross-national, and because there are many challenges in this field where the Bank does not have a comparative advantage and the lead needs to be taken elsewhere. The Bank strongly supports the OECD anti-bribery convention, regarding it as a vital step forward in the effort to end cross-border bribery by multinational firms. In addition, the Bank is working actively with a wide variety of partners, including OECD, U.N. Development Programme, bilateral donors, regional development banks, regional organizations (e.g., GCA and OAS), and NGOs, to address common concerns, share experiences, and jointly design and implement interventions in the field.

Compared with only a few years ago, both the degree of commitment and level of activity in this new assistance field are significant. Nonetheless, only very recently have development agencies entered a more operational stage. The challenge of addressing corruption around the world is a complex and daunting one—significant progress does not take place overnight. Political commitment from country leadership, coupled with coalition-building among stakeholders do-

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The APEC Initiative

Regional business councils, chambers of commerce, and national chapters of Transparency International are promoting a regional initiative to enhance transparency in the Asian Pacific Economic Cooperation Forum (APEC) economies. They are seeking a productive private-public dialogue at the APEC Summit in New Zealand in September 1999. The premise is that transparency is essential to setting the conditions for the restoration of direct investment and economic growth on a sustainable basis. The objective is to stimulate private sector action and APEC leaders' commitment to greater transparency in macroeconomic and financial data, legal and regulatory regimes, customs, and procurement.

"...[M]isgovernance in many countries has negated the potential of aid to support the development process."

The OAS Convention

In June 1997, Organization of American States (OAS) member countries signed the Inter-American Convention Against Corruption. The convention calls on governments to

- Promote the open discussion of problems and develop priorities for reforms needed to make government operations transparent and accountable
- Strengthen internal mechanisms for government oversight, monitoring, and enforcement
- Establish conflict of interest standards for public officials and penalties for illicit enrichment
- Develop cooperative mechanisms to facilitate international investigation and prosecution of corruption

Fourteen of the 25 signatories had ratified the convention by the end of 1998, but the U.S. government has withheld its commitment, maintaining that the absence of monitoring provisions in the convention is unacceptable. Vice President Al Gore has called for U.S. ratification and for the creation of a monitoring mechanism to promote implementation and enforcement. The Inter-American Development Bank and OAS are organizing conferences throughout the hemisphere to promote further ratification of the convention.

Poder Ciudadano Combats Corruption at Home

Poder Ciudadano (Citizen Power), the Argentine chapter of Transparency International, holds public officials accountable to citizens through monitoring, awareness raising, and advocacy. Through its experience implementing anti-corruption activities, Poder Ciudadano has developed several tools useful in informing efforts to fight corruption elsewhere. The NGO has also held national and international workshops to promote an exchange of ideas on these approaches to fighting corruption.

One of its most effective tools monitors recurrent public spending. Poder Ciudadano develops a database of the prices and terms paid by different government agencies in their procurement operations. In its first domestic application, the database recorded the monthly expenditures of public hospitals in Buenos Aires; the municipal government provided its written consent for the activity. The secretary of health of Buenos Aires reviewed the results with the hospital directors, pointing out clear discrepancies in the prices paid for standard products. Poder Ciudadano also posted the database on the Internet to ensure transparency. As a result, the price paid by the hospitals for standard products dropped considerably; the average price paid for dextrose, for example, fell by 25 percent over four months. To disseminate this methodology, Poder Ciudadano organized a regional seminar in December 1998 on using databases to control public spending.

Poder Ciudadano has also developed an innovative approach to monitoring public procurement for capital projects: public hearings and integrity pacts to improve the transparency of the procurement process. In 1997, Poder Ciudadano worked with Governor Arturo Lafalla of Mendoza Province to use this approach in a public tender for computer services. Poder Ciudadano organized a public hearing to raise awareness about the contract, and to assure that the drafting of the contract would not favor any particular bidder. Next, it introduced the TI Integrity Pact into bidding documents; the pact extracts written commitments from each bidder's chief executive officer and from government officials to refrain from bribes during the award and execution of the contract. As a result of this process, the costs for computer services fell by about 80 percent.

Following this work in Mendoza Province, Poder Ciudadano reached an agreement with the city of Buenos Aires to introduce public hearings and an integrity pact into the public tender for the construction of a subway line, a \$1.2 billion project. The city government held two public hearings on design, prequalification, and bidding documents for the subway line. Mayor Fernando de la Rúa convened the first public hearing in October 1998, which elicited testimony from more than 70 technicians, engineers, legislators, political party activists, representatives of citizen action groups, and individuals. During the hearing, a number of speakers questioned the prequalifications for bidding companies and the projected costs of construction. The mayor explained to the audience of 450 that the government was obligated to release an official response to these concerns within 30 days. Subsequently, the government and the nine bidders agreed to sign an integrity pact, and the city convened a second hearing in April 1999.

In addition to its oversight of public procurement, Poder Ciudadano has explored new approaches to monitoring political candidates. Preceding an election, it develops a database on political candidates' professional background, income

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and assets, sociopolitical commitment, and political platform, which it makes available on the Internet and through printed materials. In addition, Poder Ciudadano conducted an investigation into the financing of the October 1997 legislative campaigns, which it made available in a report. In collaboration with other TI chapters, it has agreed to head up a regional working group to evaluate and further explore these tools for monitoring public procurement and political candidates.

Poder Ciudadano has also carried out innovative awareness raising campaigns: creative media spots that alert Argentines to the costs of and possible responses to corruption. One example is a television spot that used cartoons to present data on corruption in the judiciary and encouraged people to report abuses on hotlines. Another spot featured the protagonist of the television series “Kung Fu” who denounced corruption in terms of individual behavior, but whose old and wise teacher counselled that a more systemic, institutional approach to the issue was needed. Poder Ciudadano has also sponsored school contests that showcase programs carried out by students and teachers to fight corruption. Poder Ciudadano distributed posters and materials on such programs, and maintained a network of schools oriented to enhancing democratic life in Argentina.

Poder Ciudadano was established in 1989 as a nonprofit, nonpartisan foundation to promote citizen participation and responsibility. After TI was formed in 1993, Poder Ciudadano joined as a national chapter. Poder Ciudadano received funding from USAID/Argentina before the mission closed in 1995, and has since proven quite adept in attracting funding from businesses, private foundations, and public organizations. TI’s 1998 *Annual Report* states that Poder Ciudadano is “one of the strongest and most innovative chapters of our movement.” The report explains that the Argentine chapter plays “a leading role at the national level, as well as on the regional and international levels, thus contributing significantly to the consolidation of the TI movement in Latin America.”

Poder Ciudadano has given critical momentum to the fight against corruption in Argentina and in the TI movement. While its efforts benefit from higher living standards and education levels than prevail in many developing countries, it also operates in a high-corruption context (see sidebar). The tools and experiences generated by TI’s Argentine chapter in a few short years add considerably to a growing arsenal for fighting corruption. □

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mestically, is key; outside agencies can only play a supportive role in this overall process. So far, while there are success cases for particular institutions, examples of countries making enormous progress in fighting corruption over a short period of time are difficult to find. Thus, we need to have realistic expectations.

Yet for the medium term, results can be expected in countries with the courage to take difficult steps. With significant political will and leadership, with civil society involvement in a transparent and participatory process, and with the support of rigorous diagnostics for help in program design, the implementation of difficult institutional and economic anti-corruption reforms is feasible. If countries can stay the course, these reforms are likely to result in substantial improvements in governance within five to ten years. □

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¹ For more on the new empirical diagnostic tools, see Kaufmann, D., S. Pradhan, and R. Ryterman. October 1998. “New Frontiers in Diagnosing and Combating Corruption.” PREM notes, No. 7. The World Bank: Washington, DC.

TI Corruption Perception Index

TI’s 1998 Corruption Perception Index is the most comprehensive such index published by the global anti-corruption organization. The index ranks 85 countries and is based on surveys of expert and general public views of the extent of corruption in individual countries. The index is ranked from 0 to 10 with scores close to 10 exhibiting the least corruption. Below is an excerpt, highlighting a cross-section of regions and index ranks.

Rank	Country	Score
1	Denmark	10.0
17	United States	7.5
23	Botswana	6.1
29	Namibia	5.3
38	Jordan	4.7
41	Peru	4.5
43	Zimbabwe	4.2
47	Belarus	3.9
50	Morocco	3.7
55	Ghana	3.3
	Philippines	3.3
59	Guatemala	3.1
61	Argentina	3.0
	Nicaragua	3.0
	Romania	3.0
	Yugoslavia	3.0
66	Bulgaria	2.9
	Egypt	2.9
	India	2.9
69	Bolivia	2.8
	Ukraine	2.8
73	Uganda	2.6
76	Russia	2.4
80	Indonesia	2.0
83	Honduras	1.7
85	Cameroon	1.4

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